



May 18, 2004 CPC
May 26, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0243

Token Tower, L.L.C.

Bermuda Magisterial District
Off the eastern terminus of Station Road

REQUEST: Revocation of an Amendment to Conditional Use Planned Development (Case 03SN0283) (deletion of a proffer) which permitted a 540 foot communications tower in an Agricultural (A) District.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL

AYES: Messrs. Litton, Bass, Gulley and Wilson
ABSENT: Mr. Gecker

STAFF RECOMMENDATION

Recommend approval for the following reason:

The approved communications tower would be highly visible from Interstate 95, Jefferson Davis Highway and Falling Creek Ironworks and the associated Special Purpose Park. The Public Facilities Plan and County's Tower Siting Policy suggest that communications towers should generally be located away from high visibility areas, such as major traffic corridors, rivers, parks, community recreational facilities and similar uses and that towers should be designed for shared use. In addition, the Jefferson Davis Corridor Plan suggests that measures should be taken to improve the appearance of the Corridor. With the 540 foot tower located on adjacent property to the east and a 400 foot tower which is approved on the request property, co-location opportunities exist which negate the need for this additional 540 foot tower.

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GENERAL INFORMATION

Location:

Eastern terminus of Station Road. Tax ID 792-685-5662 (Sheet 12).

Existing Zoning:

Agricultural (A) with Conditional Use to permit non-metallic mineral and wood products manufacturing; and, with Conditional Use Planned Development, as amended, to permit a 400 foot communications tower and a 540 foot communications tower.

Size:

12.5 acres

Existing Land Use:

Vacant (Closed construction/demolition/debris landfill)

Adjacent Zoning and Land Use:

North - I-2; Industrial (Falling Creek Wastewater Treatment Facility)
South - A; Public/semi-public (Falling Creek Ironworks Park)
East - A with Conditional Use Planned Development and I-2; A 540 foot telecommunications tower and industrial (Falling Creek Wastewater Treatment Plant)
West - I-2; Industrial

UTILITIES; ENVIRONMENTAL; PUBLIC FACILITIES; COUNTY COMMUNICATIONS AND COUNTY AIRPORT

This revocation will have no impact on these facilities.

LAND USE

General Plan:

Lies within the boundaries of the Jefferson Davis Corridor Plan which designates the property for general industrial use. The Plan strongly encourages the revitalization of the properties within the Corridor to include improving the physical appearance of the Corridor. The Plan also designates the intersection of Jefferson Davis Highway and Chippenham Parkway as a critical "Gateway" location. The "Gateway" plays an important role in conveying first impressions to visitors from Chippenham Parkway and Interstate 95.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that communications uses should be located in areas so as to minimize impacts on existing and future areas of development and minimize locations adjacent to planned or existing residential development.

Area Development Trends:

The property to the north of the request property is zoned General Industrial (I-2) and occupied by a public wastewater treatment facility. Property to the east is zoned Agricultural (A) with Conditional Use Planned Development and is occupied by a 540 foot telecommunications tower. Property to the west is zoned General Industrial (I-2) and is occupied by industrial uses and the CSX Railroad. Property to the south is zoned Agricultural (A) and is the site of the County's Falling Creek Ironworks Park developed along the banks of Falling Creek. This portion of Falling Creek has historic significance. Property to the southwest, along the south bank of Falling Creek, has Historic Landmark Designation. (Falling Creek Ironworks, Case 87HP001)

Zoning History:

On April 26, 1995, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved a Conditional Use Planned Development (95SN0239) to permit a 540 foot communications tower on property which, at the time, included the request site. This property was subsequently subdivided which excluded the request property. Amendments to this Conditional Use Planned Development were approved by the Board of Supervisors on March 27, 1996, relative to tower lighting and power line easements (Case 96SN0185). These amendments allowed higher intensity lighting than that typically allowed on other tall structures in the County.

On July 24, 2002, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved a Conditional Use Planned Development (02SN0166) to permit a 400 foot communications tower on the request site. Conditions of approval included a note indicating that the applicant intended to seek an amendment to Conditional Use Planned Developments 95SN0239 and 96SN0185 to remove the right for a tower on the adjacent property and to concurrently seek approval for a second tower on the subject property.

On August 27, 2003, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved an amendment to Conditional Use Planned Development (Case 02SN0166) to permit a second tower on the property at a height of 540 feet (Case 03SN0283). With the approval, all other conditions of Case 02SN0166 remained in effect.

CONCLUSIONS

The communications tower would be highly visible from Interstate 95, Jefferson Davis Highway and Falling Creek Ironworks and the associated Special Purpose Park. The Public Facilities Plan and County's Tower Siting Policy suggest that communications towers should generally be located

away from high visibility areas, such as major traffic corridors, rivers, parks, community recreational facilities and similar uses and that towers should be designed for shared use. In addition, the Jefferson Davis Corridor Plan suggests that measures should be taken to improve the appearance of the Corridor. With the 540 foot tower located on adjacent property to the east and a 400 foot tower which is approved on the request property, co-location opportunities exist which negate the need for this additional 540 foot tower.

Given these considerations, revocation of the Conditional Use Planned Development is recommended. Conditions of Case 02SN0166 will remain in place.

CASE HISTORY

Planning Commission Meeting (5/18/04):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval.

AYES: Messrs. Litton, Bass, Gulley and Wilson
ABSENT: Mr. Gecker

The Board of Supervisors, on Wednesday, May 26, 2004, beginning at 7:00 p.m., will take under consideration this request.

